

August 7, 2007

## ENVIRONMENTAL COMMITTEE REPORT

An Environmental Committee meeting was held on Tuesday, August 7, 2007 at 5:00 p.m. in the County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas

Committee Members Present: Brown, Glass, Hubbard, Moore, Schindler, Winscott, Wozniak

Media: Jennifer Turner, Daily Record; Scarlet Simms, Morning News

JP Jim Wozniak called the meeting to order at 5:00 p.m.

### **MINUTES:**

JP Hubbard made motion to approve the minutes of the June 5, 2007 meeting as distributed, seconded by JP Moore. Motion passed by unanimous show of hands vote.

### **PUBLIC COMMENTS:**

Don Day stated that he hated to be bullied and hated dictatorial agencies trying to tell him what to do. He discussed the method for calculating runoff, and stated that it is not an exact science. He said that the ordinance that FEMA has proposed is restrictive and may affect Northwest Arkansas Conservation Authority's plans to build a regional water treatment facility. He said he does not see how FEMA can dictate what the flood elevations should be, and then ask the county to rubber stamp them.

Warren Phillips stated that the county has to adopt the floodplain ordinance because FEMA does not have the authority. He said the Flood Ordinance that is currently in effect is very similar to the one being proposed, and suggested that language should be added stating that the Floodplain Administrator will be under the direct supervision of the Quorum Court, because it does not appear that the Floodplain Administrator is under any jurisdiction of the people, and every office should be answerable to the people. He also said that any new regulations added to the ordinance should be approved by the Quorum Court.

### **OLD BUSINESS:**

#### **1. Flood Damage Prevention Program Ordinance**

JP Wozniak stated that it is necessary to adopt a Flood Ordinance in order for Benton County citizens to be eligible for flood insurance. Planning Director Ashley Pope was recognized and gave a summary of the proposed ordinance. She stated that the Environmental Committee had voted at the June 5 meeting to recommend a set of regulations, and the ordinance before them contains those revisions. JP Wozniak asked what the differences are in the current regulations and the proposed ordinance. Ashley Pope stated that the proposed ordinance added some definitions and clarifications, and that some language has been added to deal with normal farming operations,

because it is critical to provide some relief from the restrictions for normal farming operations. JP Glass stated that he does not like the language. Ashley Pope stated that she would have preferred to include a list of specific farming operations that would be exempt, but that the FEMA representative she spoke to insisted that the exemptions be addressed on a case by case basis.

After further discussion, the committee voted 5 to 2 in favor of recommending that all minimum requirements that had been set at 2 feet above base flood elevation at the June 5 meeting be reduced to 1 foot, which is the requirement in the current ordinance, and also voted 4 to 3 in favor of accepting the new language exempting farming operations on a case by case basis.

Warren Phillips spoke again regarding the definition of farming operations.

Don Day spoke again regarding the proposed ordinance's regulations concerning the natural flow of floodwaters.

JP Wozniak requested that the recommended revisions be sent to County Attorney Robin Green, and then to the August 14, 2007 Committee of Thirteen meeting.

After motion and second the meeting was adjourned at 6:45 p.m.